

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 11 JUL 2006

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Applicant's or agent's file reference P39772/LSANHE/GMU	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB2005/000708	International filing date (day/month/year) 25.02.2005	Priority date (day/month/year) 26.02.2004
International Patent Classification (IPC) or both national classification and IPC INV. B05B7/06 B05B7/04 A62C31/02		
Applicant PURSUIT DYNAMICS PLC et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 11 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 23.12.2005	Date of completion of this report 10.07.2006
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Eberwein, M Telephone No. +49 89 2399-7260



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB2005/000708

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-74 as originally filed

Claims, Numbers

1-60 filed with the demand

Drawings, Sheets

1/17-17/17 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB2005/000708

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,39
Inventive step (IS)	Yes: Claims	
	No: Claims	2-38,40-60
Industrial applicability (IA)	Yes: Claims	1-60
	No: Claims	

2. Citations and explanations

see separate sheet

Novelty, inventive step, and industrial applicability (Item V)

Claim 1 and 39

1. From WO0176764 (D1) there is an apparatus and the corresponding method for generating a mist known comprising: a conduit having a mixing chamber and an exit; a working fluid inlet in fluid communication with said conduit, the working fluid inlet adapted to introduce a working fluid into the conduit; and a transport nozzle in fluid communication with the said conduit, the transport nozzle adapted to introduce a transport fluid into the mixing chamber; wherein the transport nozzle includes a convergent-divergent portion therein such as in use to provide for the generation of high velocity flow of the transport fluid; and wherein the transport nozzle and conduit have a relative angular orientation such that in use the working fluid is atomised and a dispersed droplet flow regime of droplets is created in the mixing chamber by the introduction of transport fluid flow from the transport nozzle into working fluid flow from the conduit and the subsequent shearing of the working fluid by the transport fluid, wherein the angular orientation of the transport nozzle and conduit is such that the shearing of the working fluid creates a dispersed droplet flow regime in which a substantial portion of the droplets have a size of less than 20 μm .
2. Thus, it appears that the subject-matter of claims 1 and 39 is not new as required by Article 33(2) PCT.

The dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

Further remarks

3. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
4. A document reflecting the prior art described is not identified in the description (Rule 5.1(a)(ii) PCT).